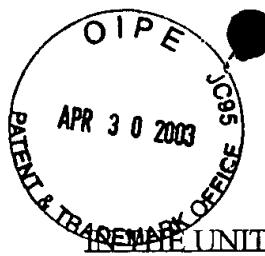


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PATENT
TECH CENTER 1600/2900

In Re U.S. Patent Application

) Art Unit: 1616

36/Election
w/traverse

Applicant(s): Mark Hodgkinson

) Confirmation No.: 7811

Serial No.: 08/913,976

) I hereby certify that this
correspondence is being deposited
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to: Box NON-FEE AMENDMENT /
Commissioner for Patents /
Washington, DC 20231, on April 25,
2003

Filed: December 22, 1997

Bet
5-6-03

For: **OIL FOR AGRICULTURAL
USE**

Examiner: Alton Nathaniel Pryor

Gerald T. Shekleton

Gerald T. Shekleton Reg. No. 27,466

RESPONSE TO RESTRICTION REQUIREMENT

Box NON-FEE AMENDMENTS

Commissioner for Patents

Washington, D.C. 20231

Sir:

The Office Action of April 8, 2003 has been carefully reviewed and the following election is in response thereto.

In the above-identified Office Action, the Examiner has required Applicant to elect a single disclosed species for prosecution on the merits to which claims shall be restricted from no generic claim as finally held to be allowable. Applicant traverses this requirement noting that there is no generic claim currently in the application and accordingly such a restriction requirement for a single disclosed species is improper. Further, as set forth in MPEP 803.02, if

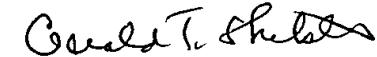
Serial No. 08/913,976

the members of a Markush Group are sufficiently few in number and are so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all the members of the Markush Group and the claim on the merits, even though they are directed to independent and distinct inventions.

Applicant notes that this case has already been prosecuted heavily and numerous Office Actions have been issued. Accordingly, it would appear that searching of all species in the claims has already been conducted several times and accordingly, the searching burden cannot be great in this regard and therefore pursuant to the MPEP admonitions, there should be no restriction in the subject case.

Subject to the traverse set forth above, Applicant hereby elects benztriazole as the species for prosecution herein.

Respectfully submitted,



Gerald T. Shekleton
Registration No. 27,466

Dated: April 25, 2003
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606-3913
Telephone: 312/655-1500